

Committee on Resources

Subcommittee on Fisheries Conservation, Wildlife and Oceans

Statement

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Congressional Testimony On The Mud Dump

Thursday, February 22, 2000

My name is Thomas Fote. I am here today representing Jersey Coast Anglers Association and New Jersey State Federation of Sportsmen's Clubs. These two organizations are comprised of 150,000 concerned sportsmen and women throughout New Jersey. In this role I speak for the citizens of New Jersey who harvest or consume fish from the ocean.

I would like to thank Congressman Saxton and Pallone. Two of the most prominent soldiers protecting the ocean and marine ecosystem. Before I begin my testimony, however, I want to deal briefly with the hearing held on Monday, January 25, 2000 at Fort Monmouth. This hearing was held under the auspices of the Army Corp of Engineers and was advertised as an opportunity for all citizens to express their views about the Brooklyn Marine Terminal and Castle Astoria Oil Terminal Dredging Project. Unfortunately, the democratic process was totally undermined by the inappropriate actions of the International Brotherhood of Longshoremen and the inaction by Colonel Pearce of the Army Corp of Engineers. I have enclosed in my written testimony a letter and a press release that deal with this issue in greater depth. In twenty-five years, I have never been at a hearing that was as poorly run or as out of control as this hearing. Colonel Pearce was either incapable or unwilling to exercise any authority over the longshoremen. Please read the attached letter and press release.

I am not a scientist but I know the difference between pure, clean capping material and the dredge spoils from the Brooklyn Marine Terminal and Castle Astoria Oil Terminal Dredging Project scheduled for dumping at the mud dump site. The EPA can call this stuff anything it likes. That won't make it clean. The Mud Dump should be treated like any land based Superfund Site. Any remedial efforts should be held to the same strict criteria. To call contaminated material that contains petrochemicals and PCB's remediation is a lie. You can dress it up any way you want, but it's still a lie.

Why are the people who harvest and consume fish from the ocean so concerned about this issue? All you

need to do is read the New Jersey Fishing Digest. You will find advisories on bluefish, striped bass, swordfish, mako sharks, eels, lobsters, crabs and most other inshore and offshore species native to the New York Bight. We were promised, with the passage of the Clean Water Act, actions to clean up the ocean would, in time, result in safe fish. We were promised that eventually these fish would again be safe for human consumption. New Jersey and the Federal Government, through our tax dollars, have spent billions of dollars to eliminate further contamination of the ocean. We have eliminated the disposal of raw sewage or sewage sludge in the ocean. We have closed all the chemical dumps off our shores. We have eliminated pipelines from chemical factories and other industries into the ocean or its tributaries. We have been willing to spend the money and make the sacrifices necessary to make a cleaner ocean a reality.

When Governor Christine Todd Whitman was running for office, she promised that contaminated dredge material from New Jersey would no longer be dumped into the ocean. JCAA and the NJSFSC has heard many politicians make promises they had no intention to keep. But Governor Whitman set up a task force to deal with these issues and made the personal and monetary commitment to keep her promise. New Jersey's anglers and environmentalists have been part of this process and any material disposed of in the ocean since Governor Whitman took office has passed our exacting standards. We did not wait for the EPA to develop criteria. New Jersey took the lead and set high standards to protect the marine environment and all of our citizens.

Governor Pataki and Mayor Giuliani have made no serious efforts to do the same. They have made no efforts to find alternatives to dumping New York's contaminated material in the ocean and have been unwilling to make the same monetary commitment to finding appropriate alternatives. Instead they have made phony suggestions and proposed totally useless alternatives with the hope that they could continue to use our ocean as their garbage dump. Could it be that New York's elected officials have failed to reach out to their fishing or environmental communities? Do they not want them to be part of the process? Are they afraid of what citizens might find if they are invited to the table to discuss these issues? Could it be that New York's emperors are wearing no clothes?

I have no party loyalties when it comes to this issue. My only loyalty is to the ocean. So in a spirit of bipartisanship, let me mention Vice-President Al Gore. The Vice-President was the mediator of the original 1996 agreement that closed the mud dump. I'm not sure where he is these days but it certainly isn't in New Jersey. If he were campaigning here, he would realize how serious we are about protecting the ocean. He would need to provide more than lip service to maintain his environmental credentials. If he truly meant what he said when the mud dump closed, he would use his considerable political clout to pressure the EPA to develop criteria for category one material that is acceptable to both anglers and environmentalists. Could it be that there is a method to their madness? As long as the EPA doesn't have criteria that we can accept, they can continue to allow the dumping of contaminated material.

Admittedly, few of us are big supporters of the Army Corp of Engineers or the Port Authority. However, what little trust we could muster was totally wiped out on Super Bowl Sunday. Using a legal permit, which they gained with our support, the Army Corp of Engineers proceeded to allow the dredgers to work on the Kill Van Kull site during the spawning season for winter flounder. They conveniently failed to follow procedure and clear dredging with NMFS to avoid spawning seasons and further destroyed the anglers trust.

The sportsmen of New Jersey also go to work. Many of our members work at the ports or depend on the ports for their livelihood. Many of our members belong to unions. We are tired of being blamed when someone's job is at stake. We don't want to put anyone out of work. We are fed up with lazy bureaucrats and self-serving politicians trying to pit environmentalists against the unions. We simply want New York to

act responsibly and find a safe, appropriate alternative to dumping in the ocean. New Jersey has done it. We are tired of their whining and procrastinating. They need to do the research and spend the money. We will accept nothing less. Congressman Saxton has taken a bold move and introduced legislation that would prohibit all dumping at the mud dumpsite. At this time JCAA and NJSFSC support this bill. We have lost our trust in any governmental agency deciding what makes appropriate capping material. Until they can regain our trust by acting responsibly, we want all dumping to stop.

I usually try to mend fences rather than knock them down. I like to maintain a good working relationship with all of our government officials, elected and otherwise. I understand how difficult it is to do the right thing and create the right compromises. But I have had enough. JCAA and the NJSFSC have had enough. This is not about who gets to catch the fish; it's about having fish that are safe to eat. This is about our health, the health of the marine environment, the health of our children and their children. We don't care any more who gets angry and who gets named. We demand the EPA do their job and establish current safe criteria for category one materiel and not use the old outdated standard that allows for hazardous material to enter the food chain and contaminate ocean's fish. This has got to stop.

Sincerely,

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